IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 2 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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MOHMED IQBAL MALIK IMAM MUNSHI

Versus

STATE OF GUJARAT

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Appearance:

MR HJ NANAVATI for Petitioner

MR SAMIR J DAVE, APP, for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/01/2001

ORAL JUDGEMENT

1. Heard the leaned counsel for the parties, perused the special criminal application and the affidavit in reply filed by J.J. Solanki, Circle Police Inspector, Jambusar.

2. The petitioner prayed for direction to the State Government to place its report on the incident before this Court within such time as this Court may be pleased to fix and to direct an inquiry into the matter to be held by any judicial officer as may be nominated by this Court for the purpose. Third prayer has been made to initiate appropriate action against the Police Inspector Shri Solanki of Bharuch (`A' Division Police Station) and other Police personnel found to be involved in the incident. Next prayer has been made to direct that the Police Inspector Shri Solanki may immediately be placed under suspension and any other just and necessary orders be passed as this Court may deemed fit and proper looking to the facts and circumstances of the case.

3. Affidavit in reply has been filed by the respondents on 22-11-2000. The petitioner has not filed rejoinder to the affidavit in reply, meaning thereby, the averments made in the affidavit in reply stand uncontroverted.

4. In the reply, the Circle Police Inspector, Jambusar admitted that the son of the petitioner was handcuffed but he has given out cogent and justified reasons for handcuffing that boy and I am satisfied with the reasons and grounds given for handcuffing the son of the petitioner. It is a serious matter where all care has to be taken by the Police Officers so that there may not be any communal riots or disputes. In the facts of this case, the Police Officer has acted as a prudent Officer, and to control the law and order it was considered necessary to handcuff this boy to which action no exception can be made. In the facts of this case, the relief of the nature as prayed for by the petitioner cannot be granted.

5. In the result, this special criminal application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

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zgs/-